

AK-05-000-9439

Gov. Bonds -

6-17-05

I sincerely appreciated the
opportunity to meet and discuss
the environmental issues facing
S.D. I look forward to working
with you. Thank you for your
suggestion regarding SRF for
small communities. I will follow up.

Frank Johnson



Midwestern Governors Association

June 3, 2008

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

On behalf of the Midwestern Governors Association (MGA), we respectfully urge you to uphold the new and higher Renewable Fuels Standard (RFS) in the Energy Independence and Security Act of 2007 as passed by Congress and signed by the President. Granting waivers to the RFS would be contrary to your agency's mission to protect human health and the environment.

A waiver would also contradict the President's "Twenty in Ten" plan that you worked on to pass. In his 2007 State of the Union Address, President Bush announced the plan to reduce U.S. gasoline usage by 20 percent in 10 years. One of the objectives of the plan is to strengthen our nation's energy security by reducing foreign oil dependency, and by promoting the development of homegrown, renewable energy sources. The plan called for increased use of renewable and alternative fuels, and set a goal of 35 billion gallons of renewable energy sources to be used in the U.S., as is reflected in the Energy Independence and Security Act of 2007.

The EPA's own analysis of the current RFS shows the increased use of renewable fuels, like ethanol, will reduce traditional car pollutants, such as benzene and carbon monoxide. Ethanol is non-toxic, water soluble, and biodegradable. In addition, ethanol poses no threat of contamination or degradation of surface or ground water.

The blame placed on ethanol for higher food prices is misguided. Higher food prices are the result of many factors, including rising transportation and production costs due to record oil prices, increased demand for grains and meat from developing countries, increased speculator investment and influence in all commodities markets, and extended global drought. As a result, all food commodity prices are high, not just the price of corn. In short, granting any waiver to the RFS will not reduce current food commodity prices.

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Washington, DC 20001-1512
Tel: 202.624.5460
Fax: 202.624.5452

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701 East 22nd Street
Suite 110
Lombard, Illinois 60148
Tel: 630.925.1922
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www.midwesterngovernors.org

Chair
M. Michael Rounds
South Dakota

Vice Chair
Jennifer Granholm
Michigan

Past Chair, 2005
Rod Blagojevich
Illinois

Matt Blunt
Missouri

Chester J. Culver
Iowa

Mitch Daniels
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Jim Doyle
Wisconsin

Dave Heineman
Nebraska

Past Chair, 2004
John Hoeven
North Dakota

Past Chair, 2006
Tim Pawlenty
Minnesota

Kathleen Sebelius
Kansas

Ted Strickland
Ohio

The RFS actually helps move the ethanol industry toward use of cellulosic materials. The RFS will encourage the investment and technological innovations needed to make production of ethanol from cellulose a commercial reality.

When you addressed the National Ethanol Conference last year, you stated, "Bottom line - alternative domestic sources of energy are good for our economy, good for our energy security ... and are good for our environment." We could not agree more. We thank you for your time and consideration.

If you or your staff has any questions, please contact Emily Marthaler with the MGA. She can be reached at either 202-624-5460 or emarthaler@csq.org.

Sincerely,



M. Michael Rounds
Governor of South Dakota and Chair,
Midwestern Governors Association



Jennifer Granholm
Governor of Michigan and Vice Chair,
Midwestern Governors Association

cc: Midwestern Congressional Delegation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 30 2008

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota and Chair
Midwestern Governors Association
444 North Capitol Street, N.W.
Suite 401
Washington, D.C. 20001-1512

Dear Governor Rounds:

Thank you for your letter of June 3, 2008, co-signed by Governor Granholm, urging the U.S. Environmental Protection Agency (EPA) not to grant a waiver of the renewable fuel standard (RFS). Your letter indicates that there are factors, other than ethanol use, that have contributed to higher food prices. You also express concern that granting a waiver of the RFS will contradict the President's "Twenty in Ten" plan.

EPA's Office of Air and Radiation is considering an RFS waiver request received from the Governor of Texas on April 25, 2008. A copy of the *Federal Register* notice announcing receipt of the waiver request and soliciting public comment is enclosed. Please be assured that we will take your concerns into consideration in this matter and will place your letter in the waiver docket.

Again, thank you for your letter. If you have further questions, please contact me or your representative may call Mayor Randy Kelly in EPA's Office of Congressional and Intergovernmental Relations at 202-564-3126.

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Johnson", is positioned above the printed name.

Stephen L. Johnson

Enclosure

On April 11, 2008, notice was published that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the state waters of Scituate, Marshfield, Cohasset, and the tidal portions of the North and South Rivers. No comments were received on this petition.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a "No Discharge Area" (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The information submitted to EPA by the Commonwealth of Massachusetts

certifies that there are ten pumpout facilities located within the proposed area. A list of the facilities, with phone numbers, locations, and hours of operation is appended at the end of this determination.

Based on the examination of the petition, its supporting documentation, and information from site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4.

PUMPOUT FACILITIES WITHIN PROPOSED NO DISCHARGE AREA

Name	Location	Contact info	Hours	Mean low water depth
Cohasset Harbormaster	Cohasset Harbor	(781) 383-0863	15 May-1 Nov	N/A.
		VHF 10, 16	9:00 a.m.-9:00 p.m.	Boat Service.
Cole Parkway Marina	Scituate Harbor	(781) 545-2130	15 May-15 October	6 ft.
		VHF 9	8:00 a.m.-4:00 p.m.	
Harbor Mooring Service	North and South Rivers	(781) 544-3130	15 April-1 November	N/A.
		Cell (617) 281-4365	Service provided on-call	Boat Service.
		VHF 9		
James Landing Marina	Herring River, Scituate	(781) 545-3000	1 May-15 Oct	6 ft.
			8 a.m.-4:30 p.m.	
Waterline Mooring	Scituate Harbor	(781) 545-4154	15 May-15 Oct	N/A.
		VHF 9, 16	8 a.m.-5 p.m.	Boat Service.
			Or by appointment	
Green Harbor Town Pier	Green Harbor, Marshfield ...	(781) 834-5541	1 April-15 Nov 24/7 Self-Serve 15 May-30 Sept.	4 ft.
		VHF 9, 16	Attendant Service 8 a.m.-11:30 p.m.	
Bridgeway Marina	South River, Marshfield	(781) 837-9343	15 June-15 October	6 ft.
		VHF 9, 11	9-5 p.m.	
Erickson's Marina	South River, Marshfield	(781) 837-2687	15 March-15 November	4 ft.
			8 a.m.-5 p.m.	
White's Ferry Marina	South River, Marshfield	(781) 837-9343	15 June-15 October	4 ft.
		VHF 9, 11	9-5 p.m.	
Mary's Boat Livery	North River, Marshfield	(781) 837-2322	15 May-1 Oct	4 ft.
		VHF 9, 16	8 a.m.-4 p.m.	
** Marshfield Yacht Club	South River, Marshfield	TBA	TBA	TBA.
** South River Boat Ramp ..	South River, Marshfield	TBA	TBA	TBA.

** Pending facilities.

Dated: May 14, 2008.

Robert W. Varney,

Regional Administrator, Region 1.

[FR Doc. E8-11485 Filed 5-21-08; 8:45 a.m.]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2008-0380; FRL-8569-5]

Notice of Receipt of a Request From the State of Texas for a Waiver of a Portion of the Renewable Fuel Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 211(o)(7) of the Clean Air Act (the Act), 42 U.S.C. 7545(o)(7), EPA is issuing a

notice of receipt of a request for a waiver of 50 percent of the renewable fuel standard (RFS) "mandate for the production of ethanol derived from grain." The request has been made by the Governor of the State of Texas. Section 211(o)(7)(A) of the Act allows the Administrator of the EPA to grant the waiver if implementation of the national RFS requirements would severely harm the economy or environment of a state, a region, or the United States, or if EPA determines that there is inadequate domestic supply of renewable fuel. EPA is required by the Act to provide public notice and

opportunity for comment on this request.

DATES: Comments. Written comments must be received on or before June 23, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2008-0380, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- E-mail: a-and-r-docket@epa.gov.

- Fax: (202) 566-1741.

- Mail: Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2008-0380, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies.

- **Hand Delivery:** EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2008-0380. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of

encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

FOR FURTHER INFORMATION CONTACT:

James W. Caldwell, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9303; fax number: (202) 343-2802; e-mail address: caldwell.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

(A) How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2008-0380, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the EPA/DC Docket Center Public Reading Room, 1301 Constitution Avenue, NW., Room 3334, Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is 202-566-1742.

Use <http://www.regulations.gov> to obtain a copy of the waiver request, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified in this document.

(B) What Information Is EPA Particularly Interested In?

On April 25, 2008, the Governor of Texas submitted a request to the Administrator under section 211(o) of the Act for a waiver of 50 percent of the RFS "mandate for the production of ethanol derived from grain." The request includes statements regarding the economic impact of higher corn prices in Texas. This request has been placed in the public docket.

Pursuant to section 211(o)(7) of the Act, EPA specifically solicits comments and information to enable the Administrator to determine if the statutory basis for a waiver of the national RFS requirements has been met and, if so, the extent to which EPA should exercise its discretion to grant a waiver. Section 211(o)(7) of the Act allows the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, to waive the requirements of the

national RFS at 40 CFR 80.1105, in whole or in part, upon petition by one or more States. A waiver may be granted if the Administrator determines, after public notice and an opportunity for public comment, that implementation of the RFS requirements would severely harm the economy or environment of a state, a region, or the United States; or that there is an inadequate domestic supply of renewable fuel. The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver within 90 days of receiving it. If a waiver is granted, it can last no longer than one year unless it is renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy. The RFS for 2008 was published in the **Federal Register** on February 14, 2008 (73 FR 8665) and was intended to lead to the use of nine (9) billion gallons of renewable fuel in 2008.

EPA requests comment on any matter that might be relevant to EPA's action on the petition, specifically including (but not limited to) information that will enable EPA to:

- (a) Evaluate whether compliance with the RFS is causing severe harm to the economy of the State of Texas;

- (b) evaluate whether the relief requested will remedy the harm;

- (c) determine to what extent, if any, a waiver approval would change demand for ethanol and affect corn or feed prices; and

- (d) determine the date on which a waiver should commence and end if it were granted.

In addition to inviting comments on the above issues, EPA recognizes that it has discretion in deciding whether to grant a waiver, as the statute provides that "[t]he Administrator * * * may waive the requirements of [section 211(o)(2)] in whole or in part" (emphasis supplied) if EPA determines that the severe harm criteria has been met. EPA also recognizes that a waiver would involve reducing the national volume requirements under section 211(o)(2), which would have effects in areas of the country other than Texas, including areas that may be positively impacted by the RFS requirements. Given this, EPA invites comment on all issues relevant to deciding whether and how to exercise its discretion under this provision, including but not limited to the impact of a waiver on other regions or parts of the economy, on the environment, on the goals of the renewable fuel program, on appropriate mechanisms to implement a waiver if a waiver were determined to be

appropriate, and any other matters considered relevant to EPA's exercise of discretion under this provision.

Commenters should include data or specific examples in support of their comments in order to aid the Administrator in determining whether to grant or deny the waiver. Data that shows a quantitative link between the use of corn for ethanol and corn prices, and on the impact of the RFS mandate on the amount of ethanol produced, would be especially helpful.

Dated: May 16, 2008.

Robert J. Meyers,

Principal Deputy Assistant Administrator,
Office of Air and Radiation.

[FR Doc. E8-11486 Filed 5-21-08; 8:45 am]

BILLING CODE 8560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to OMB for Review and Approval, Comments Requested

May 19, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before June 23, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of

time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via Internet at Nicholas_A_Fraser@omb.eop.gov or via fax at (202) 395-5167 and to Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC or via Internet at Cathy.Williams@fcc.gov or PRA@fcc.gov. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://www.reginfo.gov/public/do/PRAMain>; (2) look for the section of the Web page called "Currently Under Review;" (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading; (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box; (5) click the "Submit" button to the right of the "Select Agency" box; and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0009.

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License or Transfer of Control of Corporation Holding Broadcast Station Construction Permit or License.

Form Number: FCC Form 316.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; State, local or Tribal government.

Number of Respondents and Responses: 750 respondents, 750 responses.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain benefits—Statutory authority for this collection of information is contained in Sections 154(i) and 310(d) of the Communications Act of 1934, as amended.

Estimated Time per Response: 1-4 hours.

Total Annual Burden: 855 hours.

Total Annual Costs: \$425,150.

Confidentiality: No need for confidentiality required.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On March 17, 2005, the Commission released a Second Order on Reconsideration and Further Notice of Proposed Rulemaking, Creation of a Low Power Radio Service, MB Docket No. 99-25 (FCC 05-75). The Further Notice of Proposed Rulemaking ("FNPRM") proposed to permit the assignment or transfer of control of Low Power FM (LPFM) authorizations where there is a change in the governing board of the permittee or licensee or in other situations corresponding to the circumstances described above. This proposed rule was subsequently adopted in a Third Report and Order and Second Further Notice of Proposed Rulemaking, MB Docket No. 99-25 (FCC 07-204) (*Third Report and Order*), released on December 11, 2007.

FCC Form 316 has been revised to encompass the assignment and transfer of control of LPFM authorizations, as proposed in the FNPRM and subsequently adopted in the Third Report and Order, and to reflect the ownership and eligibility restrictions applicable to LPFM permittees and licensees.

Filing of the FCC Form 316 is required when applying for authority for assignment of a broadcast station construction permit or license, or for consent to transfer control of a corporation holding a broadcast station construction permit or license where there is little change in the relative interest or disposition of its interests; where transfer of interest is not a controlling one; there is no substantial change in the beneficial ownership of the corporation; where the assignment is less than a controlling interest in a partnership; where there is an appointment of an entity qualified to succeed to the interest of a deceased or legally incapacitated individual permittee, licensee or controlling stockholder; and, in the case of LPFM stations, where there is a voluntary transfer of a controlling interest in the licensee or permittee entity. In addition, the applicant must notify the Commission when an approved transfer of control of a broadcast station construction permit or license has been consummated.

OMB Control Number: 3060-0031.

Title: Application for Consent to Assignment of Broadcast Station Construction Permit or License; Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License; Section 73.3580, Local Public Notice of Filing of Broadcast Applications.



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

May 4, 2006

Stephen L. Johnson, Administrator
Mail Code: 1101A
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

Thank you for your April 26, 2006, letter alerting me that the U.S. Environmental Protection Agency (EPA) stands ready to aggressively implement President Bush's directive to confront high gasoline prices and fuel shortages that may exist. Because you asked to be contacted regarding gasoline supply shortages and any waiver of fuel standards that may be appropriate, I am hereby requesting that you include the entirety of South Dakota within the Geographic Phase-in Area for gasoline sulfur standards.

As the enclosed map depicting the federal Geographic Phase-in Areas shows, the federal gasoline sulfur standards have split South Dakota in half. The effect of these federal EPA rules is that gasoline brought in by pipeline into the western half of our state cannot be delivered to retailers in the eastern half of the state. This situation has brought about an imbalance in both gasoline supplies and price, and especially in those communities that border the line. For example, gasoline transported from the West River pipeline that ends in Rapid City, South Dakota, can be delivered to retailers in Ft. Pierre, but not in Pierre even though the two towns are separated only by the Missouri River.

While having the state split in two is creating supply problems and price differences, there is no environmental benefit because it is our understanding the refineries feeding the pipeline into western South Dakota have re-tooled and are producing gasoline with sulfur content similar to what is being sold in eastern South Dakota. In addition, all areas of South Dakota are in attainment of the federal ambient air quality standards, to include sulfur dioxide.

Therefore, I request the Geographic Phase-in Areas for South Dakota be extended all the way to the South Dakota/Minnesota boundary. This will allow retailers to obtain gasoline from the pipelines that serve both western and eastern South Dakota and will eliminate the imbalances in gasoline supplies and prices that currently exist.

Thank you in advance for your favorable consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds". The signature is stylized with a large, looped "M" and a cursive "Rounds".

M. Michael Rounds

MMR:ls

cc: South Dakota Attorney General Larry Long
EPA Region 8 Administrator Robert E. Roberts

Map of Geographic Phase-In Area (GPA)

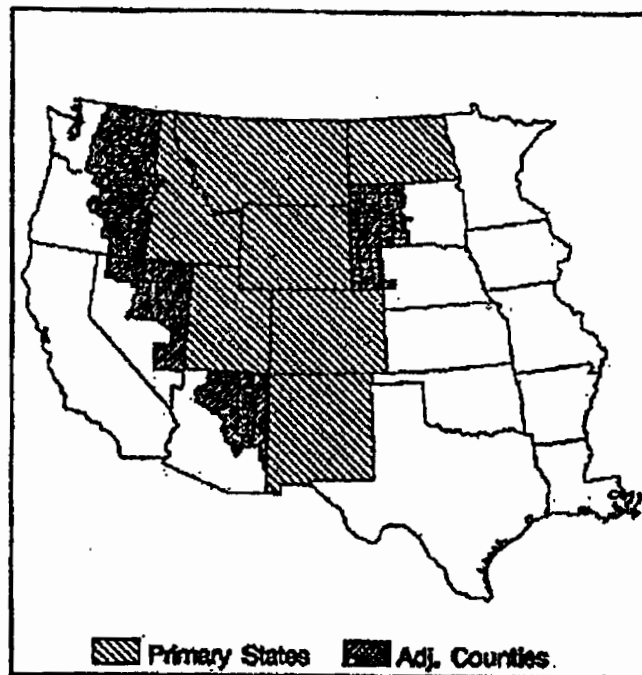


Figure 1. Geographic Phase-In Area

South Dakota counties included in the geographic phase-in area:

Bennett	Fall River	Lawrence	Shannon
Butte	Haakon	Meade	Stanley
Corson	Harding	Mellette	Todd
Custer	Jackson	Pennington	Ziebach
Dewey	Jones	Perkins	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 22 2006

THE ADMINISTRATOR

The Honorable M. Michael Rounds
State of South Dakota
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Governor Rounds:

Thank you for your letter of May 4, 2006, in which you requested that the Geographic Phase-In area (GPA) boundary, established under the Environmental Protection Agency's gasoline sulfur program, be extended to include all South Dakota counties. I appreciate your interest in this important clean air program.

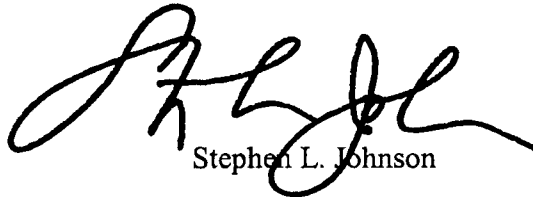
Specific states and counties included in the GPA were determined based on two criteria: environmental need and gasoline supply. In evaluating these criteria, we worked closely with a wide variety of stakeholders including the Western Regional Air Partnership as well as the refining and gasoline distribution industries.

The Energy Policy Act of 2005 authorizes waivers of federal fuel requirements under certain circumstances. EPA may grant waivers of fuel standards to alleviate critical fuel supply shortages if specified criteria are met. Any waiver must be based on a determination that extreme and unusual fuel supply circumstances exist as a result of a natural disaster or other event that could not reasonably have been foreseen or prevented and not the lack of prudent planning on the part of the suppliers of the fuel, and that it is in the public interest to grant a waiver. Based on the information we have gathered, the requisite circumstances do not appear to exist at this time in South Dakota.

We have also looked at the price issue in South Dakota. Price data from the Oil Price Information Service shows that while rack prices for gasoline have been higher in eastern South Dakota than in western South Dakota since December 2005, they were actually lower in eastern South Dakota from September through November 2005. Thus, the price differential appears to be seasonal.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact, Pamela Luttner, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3107.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Johnson', with a stylized, flowing script.

Stephen L. Johnson



WESTERN GOVERNORS' ASSOCIATION

M. Michael Rounds
Governor of South Dakota
Chairman

Dave Freudenthal
Governor of Wyoming
Vice Chairman

Pam O. Inmann
Executive Director

Headquarters:
1515 Cleveland Place
Suite 200
Denver, Colorado 80202-5114

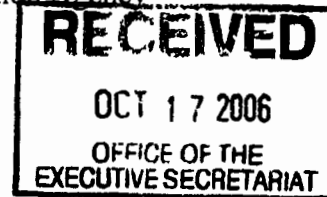
303-623-9378
Fax 303-534-7309

Washington, D.C. Office:
400 N. Capitol Street, N.W.
Suite 388
Washington, D.C. 20001

202-624-5402
Fax 202-624-7707
www.westgov.org

October 12, 2006

The Honorable Stephen Johnson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Ariel Rios Bldg., Rm. 3000
Washington, D.C. 20460



Dear Administrator Johnson:

As chairman of the Western Governors' Association, it is my pleasure to invite you to join me and my colleagues for our Winter Meeting on December 7-8, 2006, in Henderson, Nevada.

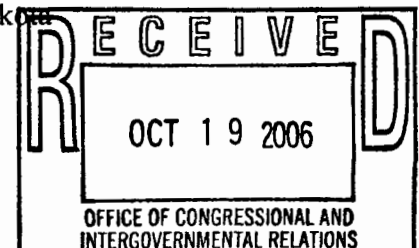
We would be interested in hearing from you about water infrastructure needs and the work EPA is doing on sustainable infrastructure for the 21st Century. As you know, much of the nation's water infrastructure is being used beyond its engineered design life and some parts suffer from the impacts of deferred maintenance. Western Governors have outlined a number of findings and recommendations regarding water infrastructure in our 2006 report *Water Needs and Strategies for a Sustainable Future*. From state revolving loan funds to stormwater, water and wastewater treatment, we believe sustainable water infrastructure is a topic where there is strong mutual interest and opportunity for partnership.

We would also be interested in hearing from you about the Agency's air quality efforts as they relate to the West, including regional haze and future funding for the Western Regional Air Partnership. The morning of December 8th would work best for your remarks. You are of course welcome to join us for the entire meeting.

Please let Executive Director Pam Inmann, Western Governors Association, know if you can join us.

Sincerely,

M. Michael Rounds
Governor of South Dakota
Chairman





AL-06-002-1392

STATE OF SOUTH DAKOTA

M. MICHAEL ROUNDS, GOVERNOR

December 11, 2006

Stephen L. Johnson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA Fax: 202.501.1450

Dear Administrator Johnson:

I'm sorry you were unable to attend the Western Governors' Association meeting in Nevada last week. I was looking forward to talking to you in person.

Last year, President George W. Bush challenged Americans in his State of the Union Address to end the nation's addiction to oil, asserting that keeping America competitive requires affordable energy. South Dakota took his challenge seriously, and has made extraordinary progress in this industry. Now, we're positioned to build on our success and contribute even more to the nation's energy needs.

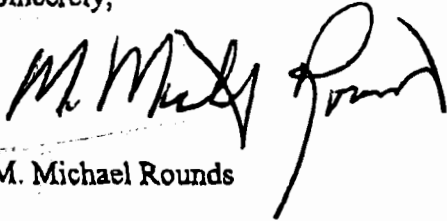
Renewable energy has been a win-win endeavor for South Dakota, creating higher incomes for our corn producers, fuel to export and feed for our ranchers. Ethanol has proven its worth in our state, for our producers, consumers and retailers. Blender pumps have offered a cost effective way for fuel retailers to increase sales of renewable fuels. However, some pumps were shut off this fall based on concerns of the EPA and state regulators on the sale of blended fuels.

I'm pleased to see Director of the Office of Transportation and Air Quality Margo Tsirigotis Oge's recent explanation of the EPA's position on the use of blender pumps. Her explanation verified that properly labeled ethanol blender pumps dispensing ethanol blends are legal to use in flex vehicle vehicles. She also noted that these blends are not prohibited under the Clean Air Act, and was not aware of any federal law that prohibits sale of such blends in flex fuel vehicles.

This is an exciting time for energy production for South Dakota and the entire United States. In an industry that is constantly evolving, I'd like to offer any assistance my state may be to you. Please contact my office if we can ever provide you with information, assist in dialogue with the ethanol industry and ensure that you have all the tools you need to fulfill your agency's mission.

I'm confident that by working together, we can continue down this path to producing affordable, renewable energy.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds", written over a horizontal line.

M. Michael Rounds

MMR:ls

cc: Robert E. Roberts, EPA, Denver, VIA Fax: 303.312.6882



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 23 2007

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your letter of December 11, 2006, on the Nation's energy challenge. I regret being unable to attend the most recent Western Governors' Association meeting, as I always enjoy my discussions with you and your fellow governors. I look forward to discussing energy issues with you in the near future.

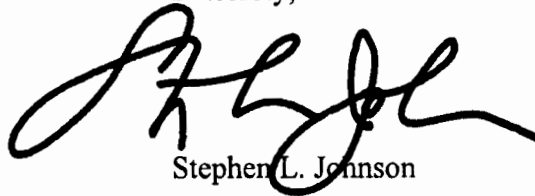
The Environmental Protection Agency strongly supports the President's drive toward more affordable energy and greater energy independence. My action plan for EPA seeks to expand the use of biofuels, ensure timely permitting decisions, and foster technological innovations to support the development of clean domestic energy resources.

I appreciate your offer of assistance to the Agency as we work toward these goals. I am sure there will be ample opportunity to work together on America's energy independence. If you have any additional questions with regard to the areas of interest addressed in your letter, please have your staff contact Margo T. Oge, the Director of the Office of Transportation and Air Quality at the Agency. She can be reached at 202-564-1682. They may also wish to contact David Hogle, the Agency's Region 8 Energy Advisor, at 303-312-6313. If you would like to provide us with a State contact, we will be sure to put him or her in touch with Ms. Oge and Mr. Hogle.

As I am certain you are aware, one important step forward towards greater energy independence is through completion of the final framework for implementing the National Renewable Fuel Standard Program (RFS). The RFS program establishes our first national renewable fuel requirement designed to develop clean, domestic, affordable supplies of transportation fuels. We expect to finalize this rule in the very near future.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your representative may contact Mayor Randy Kelly in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3126.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Johnson', with a large, stylized initial 'S'.

Stephen L. Johnson

cc: Robert E. Roberts
Regional Administrator
EPA - Region 8



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

April 10, 2007

Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

VIA Facsimile: 202.501.1450

Dear Stephen:

It is my understanding the Environmental Protection Agency (EPA) has undertaken a science review for the Ozone National Ambient Air Quality Standard (NAAQS) and will soon propose regulations to decide whether the existing 8-hour ozone standard is protective of health and environment. This decision may have significant impacts on the states, especially on the health and economic well-being of our citizens.

It has come to my attention that the EPA Ozone Staff Paper recommends that the existing standard be lowered to as low as 0.060 parts per million and excludes the option of retaining the current standard. Currently, all of South Dakota is attaining the ozone standard. If EPA sets the ozone standard at 0.060 parts per million, all of South Dakota would be considered non-attainment.

Over the past year, the states have made considerable progress in reducing ozone levels, and more reductions are expected to meet the current standard. The EPA should not preclude an option before there has been opportunity for public comment. Any action that prejudices an outcome before all relevant information has been received, including the input of states impacted by such a significant change, is not in the public interest.

I urge you to make sure that the proposed rule includes a full range of options including the current standard so that there can be a comprehensive discussion of this issue. State and local government input is essential to EPA's ability to understand the consequences of retaining or changing the current standard and making an informed decision.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds".

M. Michael Rounds



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2007

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
Pierre, South Dakota 57501-5070

Dear Governor Rounds:

Thank you for your letter of April 10, 2007, regarding the Environmental Protection Agency's (EPA) review of the national ambient air quality standards (NAAQS) for ozone. I appreciate your interest in this important issue.

I expect to issue a proposed rule regarding the appropriateness of revising the standards by June 20, 2007. I encourage you to continue to provide the Agency with any scientific information that you believe to be important for me to consider, both in advance of the proposal and afterward as we move toward a final decision by March 12, 2008.

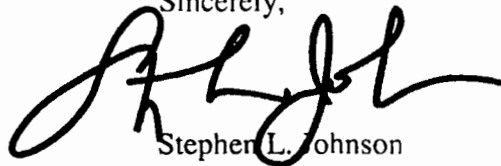
Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects evidence. The Agency thoroughly considers all available scientific and technical information. I am prohibited from considering costs or feasibility of implementation in setting the NAAQS. For this reason, the Agency does not produce economic analysis to inform decisions about what revisions, if any, will be proposed.

I appreciate the importance of this decision to Governors. At my direction, my staff has made a special effort to reach out to Governors' staff to establish an open dialogue and provide timely information. We will continue to do so. And, of course, I am willing to discuss this issue further with you or any group of Governors.

Your comments and recommendations have been forwarded to the docket for this rulemaking (Docket ID No. EPA-HQ-OAR-2005-0172) and will be taken into consideration as we move forward in the review process. When we issue a proposal in June, we will be actively seeking further public input, and we hope that you will provide additional, detailed comments on any proposed options at that time.

Again, thank you for your letter. If you have further questions or concerns, please contact me, or your representative may call Mayor Randy Kelly in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3126.

Sincerely,

A handwritten signature in black ink, appearing to read "SL Johnson", written over the printed name.

Stephen L. Johnson

AL-07-000-6688



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

John
Randy / Pam
Anne / Ralph
Jack
Chris / Kevin
file

April 17, 2007

Randy C. Kelly
Deputy Associate Administrator
Office of Intergovernmental Relations
United States Environmental Protection Agency
Washington, D.C. 20460

VIA Facsimile: 202.501.1545

Dear Randy:

Thank you for giving me the opportunity to visit with you at the Western Governors Association meeting last December. I appreciate your follow-up with Administrator Steve Johnson concerning the farm bill, environmental technology and technology transfer. I also appreciate the announcement of the creation of a senior position to coordinate research on pollution control technologies across all parts of your agency.

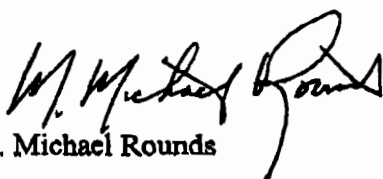
I am writing today about another important issue to the state of South Dakota. There is an important air quality program administrative action currently in progress. I hope you can help ensure it is completed in a timely manner.

The South Dakota Department of Environment and Natural Resources (DENR) completed the state administrative rules process to adopt by reference the federal Prevention of Significant Deterioration process into our State Implementation Plan on September 18, 2006. The DENR took this action to help streamline the issuance of Prevention of Significant Deterioration air quality permits in South Dakota.

Pursuant to the federal Clean Air Act, the DENR then submitted these rules to EPA for approval on December 1, 2006. On February 1, 2007, the EPA published a Federal Register notice proposing to approve the revised state rules, and both the DENR and I thank the EPA for that action. The Federal Register notice opened up a 30-day public comment period that ended on March 5, 2007. It is our understanding that the EPA received three comments and is now in the process of reviewing those comments to prepare a final agency decision.

Because the DENR adopted the federal rules by reference, there are no inconsistencies between the state rules as adopted and the federal rules. Therefore, my request is that the EPA complete its review of the comments received and publish a final agency decision approving the state rules in our State Implementation Plan in the Federal Register as soon as possible. Thank you for any assistance you can offer in this regard.

Sincerely,



M. Michael Rounds

MMR:ls

AL-07-000-6688



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 18 2007

Ref: 8P-AR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Governor Rounds:

Thank you for your April 17, 2007, letter to Randy C. Kelly, Deputy Associate Administrator, Office of Intergovernmental Relations, urging the Environmental Protection Agency (EPA) to finalize its action on South Dakota's Clean Air Act Prevention of Significant Deterioration (PSD) permit program State Implementation Plan (SIP) revision. As your letter indicates, EPA proposed to approve the majority of the State's SIP submittal on February 1, 2007; the proposal provided that any public comments must be received by March 5, 2007.

EPA received several comments in response to our proposal. We are in the process of reviewing the comments. Unfortunately, the comments raise new issues that have national implications. Our headquarters office is carefully reviewing these comments. We have and will continue to remind them of South Dakota's interest in finalizing this action. We will continue to provide regular updates to the Department of Environment and Natural Resources and will inform Secretary Pirner when we have definitive timing for this action.

We appreciate your interest in South Dakota's PSD permit program SIP revision. If you have additional questions or concerns, please contact me or have your staff contact Callie Videtich, our Air and Radiation Program Director. We can both be reached at 800-227-8917.

Sincerely,

A handwritten signature in black ink, appearing to read "R. E. Roberts", is written over the typed name.

Robert E. Roberts
Regional Administrator

cc: Randy C. Kelly, Deputy Associate Administrator
Office of Intergovernmental Relations
Steve Pirner, Secretary, DENR



WESTERN GOVERNORS' ASSOCIATION

M. Michael Rounds
Governor of South Dakota
Chairman

Dave Freudenthal
Governor of Wyoming
Vice Chairman

Pam O. Inmann
Executive Director

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Suite 1700
Denver, CO 80202

303-623-9378
Fax 303-534-7309

Washington, D.C. Office:
400 N. Capitol Street, N.W.
Suite 388
Washington, D.C. 20001

202-624-5402
Fax 202-624-7707

www.westgov.org

May 15, 2007

RECEIVED

The Honorable Alberto R. Gonzales
Attorney General
Robert F. Kennedy Building
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-2000

The Honorable Janet Napolitano
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Ariel Rios Bldg., Rm. 3000
Washington, D.C. 20460

Dear Attorney General Gonzales and Administrator Johnson,

For over a decade, the Western Governors have sought legislation that would give protections to people who voluntarily clean up abandoned mines from potential liabilities after the so-called "Good Samaritan" cleanup project is completed. The Governors' concerns have focused historically on potential liabilities under the Clean Water Act. In recent years, concerns over liabilities under CERCLA have also been raised.

On January 29, 2007, WGA hosted a stakeholders meeting in Washington, D.C., to discuss past Good Samaritan legislation and explore opportunities for developing a broadly supported, bi-partisan bill for consideration in the 110th Congress. During that meeting, Brent Fewell, Deputy Assistant Administrator for EPA's Office of Water, said that EPA is developing an analysis of the administrative tools that currently exist under CERCLA and/or the Clean Water Act that could provide protection against liability for voluntary cleanups. Mr. Fewell said he hoped this analysis would be completed by late February or early March. It is our understanding that EPA's analysis is now under review by the Justice Department.

The Western Governors' Association applauds Administrator Johnson's commitment to the issue of Good Samaritan cleanups, and we appreciate both EPA's and DOJ's efforts to develop this analysis. We urge that the analysis be finalized and made public as soon as practical, as it could greatly inform ongoing deliberations over legislative remedies to potential Good Samaritan liabilities.

Sincerely,

M. Michael Rounds
M. Michael Rounds
Governor of South Dakota
Chairman

Janet Napolitano
Janet Napolitano
Governor of Arizona
WGA Lead Governor

Bill Richardson
Bill Richardson
Governor of New Mexico
WGA Lead Governor

Bill Ritter Jr.
Bill Ritter
Governor of Colorado
WGA Lead Governor

cc: The Honorable James Connaughton, Council on Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 6 2007

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Office of the Governor
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Governor Rounds:

I would like to take this opportunity to respond to your May 15 letter on EPA's analysis of the administrative tools available to provide liability protection for the voluntary cleanup of abandoned hard rock mine sites. I appreciate the long-standing interest of the Western Governors in this issue.

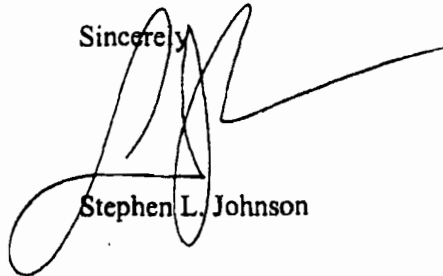
As you know, abandoned hard rock mines are responsible for threats and impairments to water quality throughout the western United States. They affect local communities by putting their drinking and agricultural water supplies at risk, increasing water treatment costs, and limiting fishing and other recreational opportunities. Cleaning up the source often poses daunting challenges. There are many non-profit groups, local communities and businesses willing and able to clean up these sites. Yet while these "Good Samaritans" are ready to get to work, they have run into legal roadblocks. Under current law, anyone doing any cleanup at an abandoned mine site could become liable for the entire cleanup of the mine site and any runoff from the site.

I am pleased to say that today we announced new policies and administrative tools to reduce legal uncertainties under CERCLA that have deterred Good Samaritans from voluntarily cleaning up these sites. The tools - called the "Good Samaritan Administrative Tools" - will improve the quality of our environment by accelerating the pace of cleanups and advancing the ethic of cooperative conservation, where local residents join together to solve local environmental challenges. In sum, these tools provide key legal protection to Good Samaritans as non-labile parties.

While today's announcement is a significant step forward, EPA cannot remove all legal uncertainties associated with abandoned mine sites. I will continue working with the Western Governors to urge Congress to promote the passage of targeted bipartisan legislation for clean water that will allow even more Good Samaritans to get their shovels into the dirt.

Again, thank you for your support and for that of the Western Governors' Association. If you have any further questions on Administrative Tools, please contact me or your staff may contact Lynn Buhl, Deputy Assistant Administrator in EPA's Office of Enforcement and Compliance Monitoring at (202) 564-2440, or Mike Shapiro, Deputy Assistant Administrator for the Office of Water at (202) 564-5700 if you have questions about "Good Sam" legislation.


Sincerely,



Stephen L. Johnson

cc: Pam Inmann, Executive Director
Western Governors' Association

*Wow -
Thanks so much
for your interest!*





Midwestern Governors Association

FOR IMMEDIATE RELEASE

Contact: Emily Marthaler

(202) 624-5460

July 24, 2008

Midwestern Governors Renew Call to EPA to Uphold Renewable Fuels Standard

Washington, D.C. – The Midwestern Governors Association (MGA) is renewing its call for U.S. Environmental Protection Agency (EPA) Administrator Stephen Johnson to uphold the federal government's Renewable Fuels Standard (RFS). The MGA submitted a letter in June to Administrator Johnson to oppose requests by states for waivers of the RFS. In the letter, the region's governors said attempts to blame the RFS for high oil prices were "misguided."

EPA previously was set to announce its decision on the waiver on the RFS today, July 24, 2008, its statutory deadline. Citing the extra time needed to review the submitted comments, Johnson expects to make a decision by early August.

"While it is reassuring that the EPA is making a thorough analysis of the waiver to the RFS, it is time to send a message that renewable and alternative energy need to be supported," said South Dakota Gov. Mike Rounds, chair of the MGA. "The RFS plays an important role in supporting the continued evolution of biofuels production, keeping American dollars here at home and providing a more secure energy future."

The MGA is a nonprofit, nonpartisan organization that brings together the governors of 12 states to work cooperatively on public policy issues of significance to the Midwestern region. In addition to Rounds, the current members of the MGA are Gov. Rod Blagojevich (Ill.), Gov. Mitch Daniels (Ind.), Gov. Chet Culver (Iowa), Gov. Kathleen Sebelius (Kansas), Gov. Jennifer Granholm (Mich.), Gov. Tim Pawlenty (Minn.), Gov. Matt Blunt (Mo.), Gov. Dave Heineman (Neb.), Gov. John Hoeven (N.D.), Gov. Ted Strickland (Ohio) and Gov. Jim Doyle (Wis.).

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Fax: 202.624.5452

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Kathleen Sebelius
Kansas

Ted Strickland
Ohio



Midwestern Governors Association

June 3, 2008

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

On behalf of the Midwestern Governors Association (MGA), we respectfully urge you to uphold the new and higher Renewable Fuels Standard (RFS) in the Energy Independence and Security Act of 2007 as passed by Congress and signed by the President. Granting waivers to the RFS would be contrary to your agency's mission to protect human health and the environment.

A waiver would also contradict the President's "Twenty in Ten" plan that you worked on to pass. In his 2007 State of the Union Address, President Bush announced the plan to reduce U.S. gasoline usage by 20 percent in 10 years. One of the objectives of the plan is to strengthen our nation's energy security by reducing foreign oil dependency, and by promoting the development of homegrown, renewable energy sources. The plan called for increased use of renewable and alternative fuels, and set a goal of 35 billion gallons of renewable energy sources to be used in the U.S., as is reflected in the Energy Independence and Security Act of 2007.

The EPA's own analysis of the current RFS shows the increased use of renewable fuels, like ethanol, will reduce traditional car pollutants, such as benzene and carbon monoxide. Ethanol is non-toxic, water soluble, and biodegradable. In addition, ethanol poses no threat of contamination or degradation of surface or ground water.

The blame placed on ethanol for higher food prices is misguided. Higher food prices are the result of many factors, including rising transportation and production costs due to record oil prices, increased demand for grains and meat from developing countries, increased speculator investment and influence in all commodities markets, and extended global drought. As a result, all food commodity prices are high, not just the price of corn. In short, granting any waiver to the RFS will not reduce current food commodity prices.

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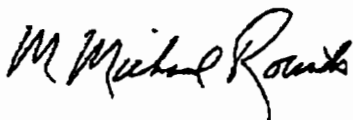
Ted Strickland
Ohio

The RFS actually helps move the ethanol industry toward use of cellulosic materials. The RFS will encourage the investment and technological innovations needed to make production of ethanol from cellulose a commercial reality.

When you addressed the National Ethanol Conference last year, you stated, "Bottom line - alternative domestic sources of energy are good for our economy, good for our energy security ... and are good for our environment." We could not agree more. We thank you for your time and consideration.

If you or your staff have any questions, please contact Emily Marthaler with the MGA. She can be reached at either 202-624-5460 or emarthaler@csq.org.

Sincerely,



M. Michael Rounds
Governor of South Dakota and Chair,
Midwestern Governors Association



Jennifer Granholm
Governor of Michigan and Vice Chair,
Midwestern Governors Association

cc: Midwestern Congressional Delegation



Midwestern Governors Association

July 8, 2009

The Honorable Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to urge the Environmental Protection Agency (EPA) to increase the alcohol-gasoline blend to 15 percent ethanol (E-15) by volume in unleaded gasoline from its current level of ten percent (E-10).

As you know, the Energy Independence and Security Act of 2007 (EISA) sets a national goal of using 36 billion gallons of renewable fuels by 2022. The current blend limit significantly hinders our ability to meet the long-term and intermediate targets of the renewable fuels standard (RFS). To meet this goal, we must continue to support the expanded use of conventional biofuels as a way to transition to developing commercially available advanced biofuels, including cellulosic ethanol.

Stifling the growth of conventional ethanol undermines the goal of making cellulosic ethanol a commercial reality. Unjustified criticism of conventional efforts also stymies the development of advanced biofuels. Increasing the blending limits will expand the use of ethanol and provide support for the transition to next generational biofuels. Additionally, increasing our use of domestic energy sources, including ethanol, decreases our dependence on overseas oil.

Midwestern states have been national leaders in producing and using biofuels. As technology and production techniques improve, ethanol's performance value will also increase. Through EPA's own analysis, increased use of renewable fuels, like ethanol, will reduce traditional car pollutants, such as benzene and carbon monoxide. The U.S. Department of Energy has found that corn ethanol has been shown to decrease life-cycle greenhouse gas emissions by 19 percent, while cellulosic ethanol reduces emissions by 86 percent.

Currently, the state of Minnesota is determining the viability of using a 20 percent ethanol blend across the state. Research to date has shown that this has not posed performance problems. While the ability to increase the federal blending limits to 20 percent is still undergoing final testing, blends of up to 15 percent have been shown to be safe and would not have

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North Dakota

Jay Nixon
Missouri

Mark Parkinson
Kansas

Past Chair, 2006
Tim Pawlenty
Minnesota

Pat Quinn
Illinois


Ted Strickland
Ohio

an adverse affect. In addition to a waiver, we would also ask you to work with manufacturers of gasoline powered products, such as tools, equipment and vehicles, to clarify the feasibility of expanding their warranties to include increased ethanol blend levels approved by EPA of up to 15 percent.


The ethanol industry, like other sectors of our economy, is facing tough financial times. Immediate action is necessary to ensure that this entirely domestic energy industry is preserved and allowed to take us to a new energy economy by creating new, "green", jobs. Despite the economic urgency for a decision, the granting of the waiver would be neither capricious nor impulsive, as the science and rationale for increasing the blend wall upwards of 15 percent are already in place.

If you or your staff have any questions, please contact Emily Marthaler with the MGA. She can be reached at either 202-624-8474 or emarthaler@csg.org.


Sincerely,



Jennifer Granholm
Governor of Michigan and
Chair



Pat Quinn
Governor of Illinois




Chester J. Culver
Governor of Iowa



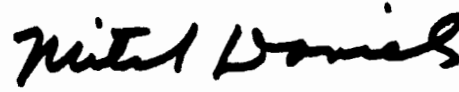
Tim Pawlenty
Governor of Minnesota




Ted Strickland
Governor of Ohio




M. Michael Rounds
Governor of South Dakota and
Immediate Past Chair



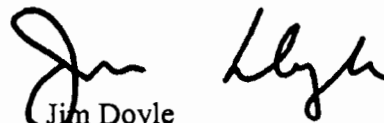
Mitch Daniels
Governor of Indiana



Mark Parkinson
Governor of Kansas



John Hoeven
Governor of North Dakota



Jim Doyle
Governor of Wisconsin

cc: Secretary Tom Vilsack, U.S. Department of Agriculture
Secretary Steven Chu, U.S. Department of Energy
Carol Browner, Assistant to the President for Energy and Climate Change
Midwestern Congressional Delegation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG - 5 2009

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your July 8, 2009, letter co-signed by 9 of your colleagues from the Midwestern Governors Association in support of a recent Clean Air Act (CAA) waiver request to increase the allowable ethanol content of gasoline to 15 percent by volume (E15). You commented that this would be important in order to meet the renewable fuel standard, develop advanced biofuels, maintain and create green jobs, and provide environmental benefits. You asked that we work with equipment manufacturers to clarify the feasibility of extending their warranties to cover E15.

The U.S. Environmental Protection Agency (EPA) is carefully considering the waiver request we received from Growth Energy on March 6, 2009. A notice of its receipt was published in the Federal Register on April 21, 2009. We welcome your comments and have placed your letter in the public docket.

The issues raised by the waiver request are very important and complex. We are reviewing a significant number of comments from a wide range of stakeholders in response to our request for public comment. In addition, we continue to work closely with the U.S. Department of Energy and the U.S. Department of Agriculture on these issues. We will take these comments and any other relevant information into consideration, and, using the best available technical data, make a determination on the waiver request.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Assistant Administrator for Intergovernmental Relations, at (202) 564-7178.

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over the word "Sincerely,".

Lisa P. Jackson



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

September 18, 2009

Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA FAX: 202.501.1450

Dear Administrator Jackson,

This letter follows the Midwestern Governors Association letter to you on July 8, 2009, urging the Environmental Protection Agency ("EPA") to allow use of ethanol-gasoline blends containing up to fifteen percent ethanol ("E-15"), and your August 5, 2009, response. We appreciate your response and EPA's work to review and make a decision regarding Growth Energy's March 6, 2009 E-15 waiver application.

We agree with you, the implications of the E-15 waiver request are important—EPA's decision to grant the waiver will immediately create and preserve American jobs, foster the development and commercialization of next-generation biofuels such as cellulosic ethanol, enhance energy independence, and benefit the environment. The decision to grant the requested waiver appears straight-forward and warranted given the specific and narrow legal standard established by Congress for EPA to evaluate such requests, and the results of many independent and peer-reviewed scientific studies regarding the use of E-15 and other higher-ethanol blends.

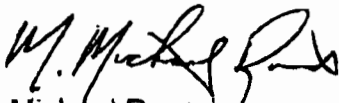
As you are aware, Congress, in the Clean Air Act, established a single legal standard against which EPA must consider the E-15 waiver application—whether E-15 will cause or contribute to the failure of any emission control device or system to meet Clean Air Act standards. In your letter, you noted EPA will use the best available technical data to make its determination regarding the waiver application. Significantly, in the multi-volume waiver application and many comments EPA received regarding the waiver application and posted by EPA to date, we are not aware of a single scientific study regarding E-15 that demonstrates that E-15 will cause or contribute to such failures—presumably because no such study or data exists. EPA does possess, however, numerous studies, including recent and peer-reviewed studies by the United States federal government, regarding E-15 and even higher ethanol containing fuel blends, that make clear E-15 satisfies the statutory standard for EPA to grant the requested waiver. Thus, there appears no legitimate legal or technical basis to delay approval of the requested waiver.

Lisa Jackson
Page 2
September 18, 2009

Given this country's extensive experience with use of ethanol-gasoline blends for more than 30 years, the similarity of E-15 to fuels currently in use, the absence of any studies that show E-15 will not satisfy the statutory standard for a waiver, and the many studies that support E-15 and higher-level ethanol blends may be used without causing emission control failures, we again urge EPA to expeditiously grant the requested waiver application. Such a decision is supported by the best available science, appropriate under the law, and will benefit the United States.

We appreciate EPA's consideration of this request and the agency's work to advance its decision on this important matter.

Sincerely,



M. Michael Rounds

MMR:ls



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 29 2009

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Governor Rounds:

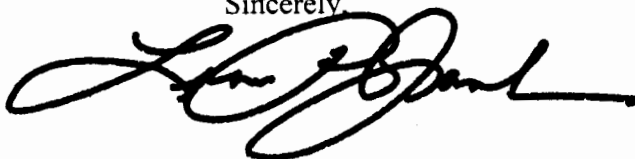
Thank you for your letter dated September 18, 2009, in support of a Clean Air Act (CAA) waiver request to increase the allowable ethanol content of gasoline to fifteen percent by volume (E15). Your letter follows the July 8, 2009, Midwestern Governors Association letter and my August 5, 2009, response. You are urging the U.S. Environmental Protection Agency (EPA) to expeditiously grant the requested waiver application based on the apparent lack of existing data demonstrating that E-15 causes or contributes to the failure of any emission control device or system.

The issues raised by the waiver request we received from Growth Energy on March 6, 2009 are very important and complex, and as a result we are carefully considering the request. The CAA states that the applicant must demonstrate that their fuel (or fuel additive) does not cause or contribute to the failure of the emissions control device or system over the full useful life of the motor vehicle. Additionally, recent changes to the CAA require that the applicant present evidence that emissions controls and systems are not impacted in nonroad engines and equipment.

As a result of the public comment process, we received over 78,000 comments from a wide variety of interests and citizens. The complete record is being carefully examined and EPA is continuing to work closely with Department of Energy, industry, and other interested stakeholders to identify or develop appropriate data that address regulatory requirements regarding long term emissions impacts and durability issues on motor vehicles resulting from the use of (E15). We will take these and any other relevant information into consideration and, using the best available technical data, make a determination on the waiver request.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at (202) 564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a large, stylized loop at the end.

Lisa P. Jackson

AL-10-000-3318



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 5 2010

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Governor Rounds:

I congratulate you on South Dakota's success in meeting the February 17, 2010, American Recovery and Reinvestment Act (ARRA) deadline for using Clean Water and Drinking Water State Revolving Funds (SRF). According to our records, South Dakota reports that all of its ARRA SRF funding is under contract. Thank you for your partnership and leadership in moving Clean Water and Drinking Water projects to construction, bringing needed jobs into the economy.

We know these funds are vital to your state's economy and to improving basic infrastructure for your residents. When leveraged with annual SRF funding, these funds should bring a significant increase in SRF projects to South Dakota. Now that all funding is under contract, we encourage every effort to ensure that outlays proceed at an accelerated pace. EPA stands ready to help you in any way possible as we continue to implement ARRA together.

I encourage you to contact me or have your Recovery official contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve as we move forward. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over the word "Sincerely,".

Lisa P. Jackson



Midwestern Governors Association

July 8, 2009

The Honorable Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to urge the Environmental Protection Agency (EPA) to increase the alcohol-gasoline blend to 15 percent ethanol (E-15) by volume in unleaded gasoline from its current level of ten percent (E-10).

As you know, the Energy Independence and Security Act of 2007 (EISA) sets a national goal of using 36 billion gallons of renewable fuels by 2022. The current blend limit significantly hinders our ability to meet the long-term and intermediate targets of the renewable fuels standard (RFS). To meet this goal, we must continue to support the expanded use of conventional biofuels as a way to transition to developing commercially available advanced biofuels, including cellulosic ethanol.

Stifling the growth of conventional ethanol undermines the goal of making cellulosic ethanol a commercial reality. Unjustified criticism of conventional efforts also stymies the development of advanced biofuels. Increasing the blending limits will expand the use of ethanol and provide support for the transition to next generational biofuels. Additionally, increasing our use of domestic energy sources, including ethanol, decreases our dependence on overseas oil.

Midwestern states have been national leaders in producing and using biofuels. As technology and production techniques improve, ethanol's performance value will also increase. Through EPA's own analysis, increased use of renewable fuels, like ethanol, will reduce traditional car pollutants, such as benzene and carbon monoxide. The U.S. Department of Energy has found that corn ethanol has been shown to decrease life-cycle greenhouse gas emissions by 19 percent, while cellulosic ethanol reduces emissions by 86 percent.

Currently, the state of Minnesota is determining the viability of using a 20 percent ethanol blend across the state. Research to date has shown that this has not posed performance problems. While the ability to increase the federal blending limits to 20 percent is still undergoing final testing, blends of up to 15 percent have been shown to be safe and would not have

444 North Capitol Street, NW
Suite 401
Washington, DC 20001-1512
Tel: 202 624-5460
Fax: 202 624-5452

701 East 22nd Street
Suite 110
Lombard, Illinois 60148
Tel: 630/925-1922
Fax: 630/925-1930
www.midwesterngovernors.org

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Jennifer Granholm
Michigan

Immediate Past Chair
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South Dakota

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Iowa

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Jim Doyle
Wisconsin

Past Chair, 2004
John Hoeven
North Dakota

Jay Nixon
Missouri

Mark Parkinson
Kansas

Past Chair, 2006
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Pat Quinn
Illinois

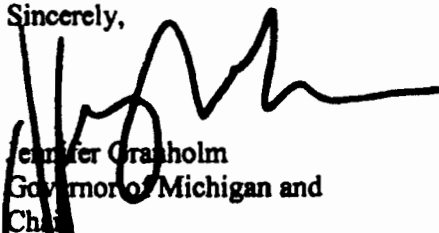
Ted Strickland
Ohio

an adverse affect. In addition to a waiver, we would also ask you to work with manufacturers of gasoline powered products, such as tools, equipment and vehicles, to clarify the feasibility of expanding their warranties to include increased ethanol blend levels approved by EPA of up to 15 percent.


The ethanol industry, like other sectors of our economy, is facing tough financial times. Immediate action is necessary to ensure that this entirely domestic energy industry is preserved and allowed to take us to a new energy economy by creating new, "green", jobs. Despite the economic urgency for a decision, the granting of the waiver would be neither capricious nor impulsive, as the science and rationale for increasing the blend wall upwards of 15 percent are already in place.

If you or your staff have any questions, please contact Emily Marthaler with the MGA. She can be reached at either 202-624-8474 or emarthaler@csg.org.


Sincerely,



Jennifer Granholm
Governor of Michigan and
Chair



Pat Quinn
Governor of Illinois




Chester J. Culver
Governor of Iowa



Tim Pawlenty
Governor of Minnesota



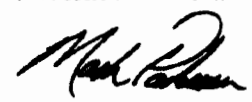
Ted Strickland
Governor of Ohio



M. Michael Rounds
Governor of South Dakota and
Immediate Past Chair




Mitch Daniels
Governor of Indiana



Mark Parkinson
Governor of Kansas



John Hoeven
Governor of North Dakota



Jim Doyle
Governor of Wisconsin

cc: Secretary Tom Vilsack, U.S. Department of Agriculture
Secretary Steven Chu, U.S. Department of Energy
Carol Browner, Assistant to the President for Energy and Climate Change
Midwestern Congressional Delegation



**WESTERN
GOVERNORS'
ASSOCIATION**

C.L. "Butch" Otter
Governor of Idaho
Chairman

Christine O. Gregoire
Governor of Washington
Vice-Chair

Pam O. Inmann
Executive Director

Headquarters:
1600 Broadway
Suite 1700
Denver, CO 80202

303-623-9378
Fax 303-534-7309

Washington, D.C. Office:
400 N. Capitol Street, N.W.
Suite 388
Washington, D.C. 20001

202-624-5402
Fax 202-624-7707

www.westgov.org

November 4, 2010

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson,

On behalf of the Western Governors' Association, we are writing to express our concern over the possibility that the Environmental Protection Agency (EPA) may review 40 C.F.R. 122.3(i), otherwise known as the "water transfers rule." As you know, the rule clarifies that water transfers are exempt from National Pollutant Discharge Elimination System (NPDES) permit requirements under Section 402 of the Clean Water Act (CWA). Western Governors support the rule in its current form and believe that transporting water through constructed conveyances to supply beneficial uses should not trigger NPDES permit requirements simply because the source and receiving waters contain different chemical concentrations and physical constituents.

Historically, water transfers have not been subject to the NPDES Program and the federal government has deferred to the states' control of water allocation and administration within their borders. Moreover, the CWA does not contain a clear statement from Congress that it intended the NPDES Program to govern transfers. To the contrary, Section 101(g) expressly states that the CWA will not supersede or abrogate the rights of states to allocate water quantities within their jurisdiction, while also protecting water rights established pursuant to state law. NPDES permitting requirements could have the effect of forcing water suppliers to forgo the full exercise of their state water rights which would directly abrogate or supersede state water law and the allocation of state water rights. This would contradict Section 101(g) and upset the long-established federal-state balance regarding water quality protections and rights to water use.

The CWA does not limit the ability of States to use state authority to address water quality issues associated with water transfers. In the arid West, water is not only scarce but often located in the "wrong place." This means that western states must rely on thousands of interstate, interbasin, and intrabasin transfers to move billions of gallons of water to satisfy domestic, agricultural and industrial needs. Water managers in the West need the flexibility to move waters, and state control is an appropriate way to address the water quality and quantity challenges

The Honorable Lisa Jackson
November 4, 2010
Page 2


relating to arid and semi-arid climates. This need for flexibility is compounded by the West's vast geography, growing urban areas and a large rural population.

Thank you for considering our concerns and comments. We have attached the position of our affiliate, the Western States Water Council, for your consideration. We look forward to working with you and the EPA to meet our water quality and water supply needs in the most efficient and effective manner possible.

Sincerely,



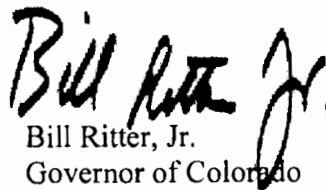
C.L. "Butch" Otter
Governor of Idaho
Lead Governor for Water



Bill Richardson
Governor of New Mexico
Lead Governor for Water



M. Michael Rounds
Governor of South Dakota
Lead Governor for Water



Bill Ritter, Jr.
Governor of Colorado
Lead Governor for Water

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN - 5 2011

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your letter of November 4, 2010, co-signed by three of your colleagues, expressing your concern regarding our review of the Water Transfers Rule. EPA understands your support of this rule in its current form and appreciates the information you provided from the Western States Water Council.

In recent documents submitted to the United States Court of Appeals for the Eleventh Circuit, and to the United States Supreme Court, EPA stated that it is reconsidering the Water Transfers Rule. While the outcome of those deliberations is not known at this time, I assure you that we will take into account your concerns and statements regarding the important role States play in the cooperative federalism approach created in the Clean Water Act.

EPA values your opinion and recognizes the essential role that water transfers play throughout the United States, from providing essential water to the Desert Southwest, to preventing flooding in the Everglades, and providing clean and safe drinking water in the Northeast. These considerations and the realities of the impacts of water transfers on water quality and water resource allocation continue to inform our decision making.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", is written over a horizontal line.

Lisa P. Jackson

AL-07-001-7732



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

October 30, 2007

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA Fax: 202.501.1450

Dear Stephen,

On April 10, 2007, I urged you to include a full range of options, to include keeping the existing standard, to the proposed revisions to the National Ambient Air Quality Standards for ozone. I believed this was important because your review of the existing ozone standard will have long-term consequences on our nation. Depending on where the U.S. Environmental Protection Agency (EPA) sets the standard, a change could have a detrimental economic impact, especially on citizens in rural agricultural states like South Dakota. I want to thank you for providing that full range of options.

Every South Dakota county is currently in compliance with the existing standard. If the EPA were to significantly lower the primary standard, our four counties that have ozone monitors and possibly all the counties in South Dakota would move into "non-attainment" status. A shift that dramatic could cost millions of dollars in revenue that would eventually affect hard-working South Dakotans through the loss of taxpayer dollars, fewer jobs, and more expensive goods and services.

It is known that natural sources such as vegetation, soil, and animals are sources of hydrocarbons and nitrogen oxides which contribute to the formation of ozone and ozone itself. In addition, high ozone concentrations in rural states may be due to ozone transport from areas already having difficulty maintaining or meeting the existing standard. These facts make changes to the existing standard that much more relevant to South Dakota, which has more than 43 million acres of farmland and over 31,000 farms—most of which are run by small family farmers.

Therefore, my request is to please consider the consequences of this proposed rule change on rural agricultural states. On behalf of our hard-working family farmers in South Dakota, thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds".

M. Michael Rounds

cc: Senator Tim Johnson
Senator John Thune
Representative Stephanie Herseth Sandlin



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

Fax Number – 605-773-4711

TODAY'S DATE: 10/30/07

PAGES (including cover sheet): 2

TO: Stephen L. Johnson

FAX NUMBER: 202-501-1450

FROM: Governor Rounds

Special Instructions:

Original being mailed: ☒ (Yes) ☐ (No)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 20 2007

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your letter of October 30, 2007, regarding the Environmental Protection Agency's (EPA) June 2007 proposal to revise the National Ambient Air Quality Standards (NAAQS) for ground-level ozone.

In your letter, you reiterated the concerns you expressed in your letter of April 10, 2007, regarding the economic implications of tighter ozone standards for rural agricultural states. As I noted in my response to that letter, EPA appreciates the importance of this decision to the state of South Dakota and its localities. It is important to understand, however, that under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the health and environmental effects. I am prohibited from considering costs or ease of implementation in setting the NAAQS. However, once a final decision regarding the appropriate level for the standards has been made, costs can be considered during the implementation process.

I would like to assure you that, in considering revisions to the NAAQS, I carefully evaluate the full body of scientific evidence to ensure that my decisions reflect the best information available. I have forwarded your comments to the docket for this rulemaking (EPA-HQ-OAR-2005-0172), so that they may be considered as we move toward a final decision by March 12, 2008.

I appreciate the importance of this decision to the state of South Dakota. At my direction, my staff has made a special effort to reach out to the states to establish an open dialogue and provide timely information, and we will continue to do so.

Again, thank you for your letter. If you have further questions or concerns, please contact me, or your representative may call Mayor Randy Kelly in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3126.

Sincerely,

A handwritten signature in black ink, which appears to read "S. L. Johnson", is written over the word "Sincerely,".

Stephen L. Johnson



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

June 17, 2009

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

VIA Fax: 202.501.1450

Dear Administrator Jackson:

I am writing to respectfully urge the Environmental Protection Agency (EPA) to extend the public comment period on the Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act, published in the Federal Register under Docket ID No. EPA-HQ-OAR-2009-0171, from 60 days to 120 days. The findings could have incredible economic repercussions in South Dakota and across the United States. I make this request with the hope of providing impacted parties sufficient time to review and offer comments.

The need to carefully examine the impacts of carbon dioxide and other greenhouse gases on public health and welfare is clear. However, more time is needed to be sure this critical review is performed carefully. To rush through the public comment period – allowing only 60 days to fully digest the possible impacts of what could be one of the most significant rulings in recent history – is both unnecessary and potentially harmful.

It is my understanding the EPA commonly utilizes a 120-day public comment period when reviewing a proposed rule. Given the potential economic implications of this rule, it is my contention the current period should be extended to 120 days to assure that all possible impacts are able to be sufficiently reviewed, and all interested parties are able to fully weigh in on the debate.

I thank you for your consideration of my request and urge you to contact my office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds".

M. Michael Rounds

MMR:nn



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 16 2009

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
500 East Capitol
Pierre, South Dakota 57501-5070

Dear Governor Rounds:

Thank you for your letter dated June 12, 2009, in which you request a 60 day extension of the comment period for the U.S. Environmental Protection Agency's (EPA) *Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(1) of the Clean Air Act* beyond the current deadline of June 23, 2009.

I would like to reiterate what I stated on April 17, the day I signed and formally proposed these findings. The proposal was developed in response to the Supreme Court decision, in which the Court found that greenhouse gases are air pollutants under the Clean Air Act.

EPA's proposed findings are based on rigorous, peer-reviewed scientific analysis of six gases that have been the subject of intensive analysis by scientists in the United States and around the world. However, the proposed findings do not include any proposed regulations. I assure you that EPA will conduct an appropriate process and consider stakeholder input as it evaluates regulatory programs to reduce greenhouse gases. Furthermore, I have repeatedly indicated my preference for comprehensive legislation to address this issue and create the framework for a clean energy economy.

EPA recognizes that the proposed findings and the associated Technical Support Document, like any proposed rulemaking, take time to review. However, a very large part of the supporting information and analyses for the proposed findings were previously released on July 11, 2008, as part of the *Advance Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act*. As a result, much of the information and analyses supporting the proposed findings has been in the public domain for a year. Also, in proposing the findings, the EPA relied heavily on the major conclusions from recent assessments by the US Climate Change Science Program and the Intergovernmental Panel on Climate Change, which incorporated public review processes and have been publicly available for some time now. Therefore, EPA believes that the 60-day comment period provided adequate opportunity to review and comment on the proposed findings. Furthermore, we will continue to consider comments received, to the extent practicable.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a stylized, flowing script.

Lisa P. Jackson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 2 2009

THE ADMINISTRATOR

The Honorable Mike Rounds
Governor of South Dakota
Office of the Governor
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Governor Rounds:

We have reached the six month mark for the implementation of President Obama's *American Recovery and Reinvestment Act* (ARRA). This has been an exciting and challenging time for all of us and has pushed us to explore quicker and more efficient ways of doing our work. We have also looked to you, our state partners, to better understand your needs in terms of ARRA implementation. In response, we have developed guidance and training materials, and conducted numerous web based ARRA sessions for those receiving funds.

The first phase of our ARRA work is almost complete – EPA has obligated over 90% of our ARRA dollars. The second phase for EPA is to ensure that our state and other partners can take those obligated funds and turn them into funded projects.

The heart of the Recovery Act is to jumpstart our economy by creating or saving jobs, sustaining our communities, enhancing environmental quality, and building or rebuilding the critical infrastructure of this great nation. I do not see a bright line that separates where EPA's work ends and where the work in South Dakota begins. We are in this together, and our success will be a shared state-federal investment in American growth.

Enclosed is a chart as of August 31, 2009 that specifically identifies the EPA ARRA program funds obligated to South Dakota and the current spending or outlays against those awards. We know these funds are vital to your state's economy and to improving basic infrastructure for your residents.

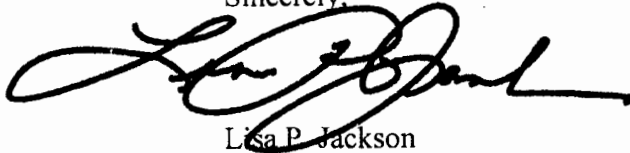
As you know, ARRA requires Clean Water and Safe Drinking Water State Revolving Funds be under contract or construction within 12 months of enactment. This means that if a State has not fulfilled this requirement by February 17, 2010, EPA must reallocate these appropriated funds, and the State loses that funding. EPA is committed to assisting States in meeting this and other deadlines. EPA has also provided funding for

the Superfund, Leaking Underground Storage Tanks, Brownfields and Diesel Emissions Reduction (DERA) programs. These funds, like those provided to the water programs, have deadlines which must be met for outlays as well.

EPA would like to help facilitate the expenditure of ARRA funds. There are new reporting and tracking requirements associated with ARRA, and we are happy to provide assistance in understanding and meeting those requirements. We also recognize that a number of provisions, such as the Davis-Bacon Wage Act requirements and the Buy American requirements, could potentially slow expenditure of funds. We stand ready to help in any way we can.

Since the inception of ARRA, EPA has established a senior level Steering Committee that has worked to identify and address any issue or obstacle that could have been an impediment to our implementation of ARRA. This Committee includes senior Headquarters and Regional officials, the Inspector General and representatives from the Office of Management and Budget. I have asked that Committee to also serve as an advisory group on state issues related to ARRA. I encourage you to contact me or have your staff contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a stylized flourish at the end.

Lisa P. Jackson

Enclosure

State of South Dakota
Environmental Protection Agency
American Recovery and Reinvestment Act (ARRA) Resource Use
As of August 31, 2009

Program	Budget	Obligated	Outlayed	% Obligated	% Outlayed
Brownfields	\$200,000.00	\$200,000.00	\$0.00	100.0%	0.0%
Clean Water SRF	\$19,239,100.00	\$19,239,100.00	\$71,232.00	100.0%	0.4%
Clean Diesel Funding Assistance Program	\$500,000.00	\$500,000.00	\$0.00	100.0%	0.0%
Clean Diesel Grant Program	\$1,730,000.00	\$1,730,000.00	\$6,800.00	100.0%	0.4%
Drinking Water SRF	\$19,500,000.00	\$19,500,000.00	\$97,017.00	100.0%	0.5%
Water Quality Planning (604b)	\$194,300.00	\$194,300.00	\$0.00	100.0%	0.0%
LUST Trust Fund Program	\$1,249,000.00	\$1,249,000.00	\$0.00	100.0%	0.0%
Superfund	\$3,500,000.00	\$3,500,000.00	\$0.00	100.0%	0.0%
South Dakota Total:	\$46,112,400.00	\$46,112,400.00	\$175,049.00	100.0%	0.4%

Obligation: A binding agreement that will result in outlays, immediately or in the future. Budgetary resources must be available before obligations can be incurred legally.

Outlays: Amount of obligations paid. Includes payments in the form of cash (currency, checks, or electronic fund transfers) and in the form of debt instruments (bonds, debentures, notes, or monetary credits) when they are used to pay obligations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 24 2009

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Office of the Governor
500 East Capitol Avenue
Pierre, South Dakota 57501

Dear Governor Rounds:

Nine months ago, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). With your help, EPA was able to obligate all of the Clean Water and Drinking Water State Revolving Fund (SRF) program resources, the first step in turning these funds into jobs. The next phase of implementation and moving projects to construction is now underway. This is the phase that brings needed jobs into the economy, and States with local water and waste water utilities have this primary responsibility.

The State of South Dakota was awarded approximately \$39 million in ARRA funds for the SRF programs. As of November 23, with three months remaining until the February 17, 2010 deadline to have these funds under contract, South Dakota has reported 11% of its Clean Water SRF funds and 21% of its Drinking Water SRF funds under contract. The creation of needed jobs will depend on successfully getting projects under construction and with three months to go I want to make sure you know your status. In the coming month I will personally make phone calls to some States to inquire into the ongoing progress of the SRF programs.

As I stated in my September 2, 2009 letter to you, ARRA requires Clean Water and Safe Drinking Water State Revolving Fund dollars be under contract or construction within 12 months of enactment. This means that if a State has not fulfilled this requirement by February 17, 2010, EPA is required by law to reallocate these appropriated funds, and the State loses that funding. We know these funds are vital to your state's economy and to improving basic infrastructure for your residents, and we encourage every effort to ensure that no funds are reallocated, and outlays proceed at an accelerated pace.

Just as important as contracts and construction are to the success of ARRA, outlays represent the final step of delivering ARRA funds to local economies. While there is no specific timeline for all outlays to be completed, the clear expectation by both Congress and the public is that outlays must occur in an accelerated fashion in order to create jobs and maintain the current economic recovery.

I encourage you to contact me or have your Recovery official contact Mr. Craig Hooks, Assistant Administrator for Administration and Resources Management and the Agency Senior Responsible Official for ARRA activities, if there are any issues we can help resolve. Mr. Hooks can be reached at (202)564-4600 or by email at hooks.craig@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Jackson', with a stylized flourish at the end.

Lisa P. Jackson



AL-09-001-8821

STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

November 30, 2009

Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA FAX: 202.501.1450

Dear Administrator Jackson,

I understand the deadline is rapidly approaching for a decision on the E-15 waiver application. This request, as made by Growth Energy and 54 ethanol producers, is critical to the future of cellulosic ethanol. A 15% blend will provide much needed market access for about 6 billion gallons of cellulosic and advanced biofuel. Such market access will further support the development of cellulosic and advanced biofuels while displacing foreign oil imports and creating thousands of new jobs.

The approval for E-15 is even more important now that Poet Energy, the world's largest ethanol producer, has recently announced a major production breakthrough that will allow cellulosic ethanol to compete with gasoline within two years. If the maximum ethanol blend for non-flex fuel vehicles remains at 10%, cellulosic ethanol cannot become a reality.

Again, I appreciate EPA's consideration of this request and urge approval.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Michael Rounds", written over a horizontal line.

M. Michael Rounds

MMR:ls



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 14 2010

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your November 30, 2009, letter concerning the pending waiver request from Growth Energy to increase the allowable ethanol content of gasoline to 15 percent by volume. I agree with you that it is vitally important that the United States increase the use of renewable fuels, especially advanced biofuels. As we move forward toward this goal, our obligation is to ensure the successful long-term introduction of more renewable fuels into the transportation sector.

We recently wrote to Growth Energy and explained that current testing needs to be completed before we will have adequate data with which to evaluate the waiver request. We are hopeful that we will be able to make a decision around mid-2010. A copy of the letter is enclosed.

Again, thank you for your letter. If you have further comments or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations at 202-564-9601.

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over the typed name.

Lisa P. Jackson

Enclosure



STATE OF SOUTH DAKOTA
M. MICHAEL ROUNDS, GOVERNOR

August 3, 2010

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Arlie Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA Fax: 202.501.1450

Dear Administrator Jackson,

I am writing to express my concern with the United States Environmental Protection Agency's (EPA) standards review, which suggests reductions to the current National Ambient Air Quality Standard (NAAQS) for particulate matter 10 microns in diameter or less (PM₁₀). Reducing the PM₁₀ standard will have significant negative impacts on many South Dakota businesses, including our state's number one industry—agriculture.

The proposal to lower the existing standard from 150 micrograms to 65 micrograms per cubic meter represents a significant adjustment that is not based on adequate data. In a July 8, 2010, report titled "Quantitative Health Risk Assessment for Particulate Matter," EPA concluded that significant limitations in both the health effects database and the current PM_{10-2.5} monitoring network continue to exist. It further concluded that current available information does not support conducting a quantitative risk assessment for PM_{10-2.5}. Given this lack of data, it would be prudent to leave the PM₁₀ standard at the current level of 150 micrograms per cubic meter.

Establishing a lower 24-hour PM₁₀ or PM_{10-2.5} standard without adequate scientific justification places an unreasonable burden on agricultural activities with virtually no benefit to public health. A May 17, 2010, letter to EPA from the Clean Air Scientific Advisory Committee (CASAC) suggested a single national standard may not be justified, noting that "urban thoracic coarse particles appear to be more toxic than rural PM₁₀. Thus, no single measure of thoracic coarse fraction can be applied uniformly across all sites." The CASAC clearly stated what South Dakota farmers and ranchers have always known; urban particulate matter and rural dust are not created equally.

Administrator Jackson
Page 2
August 3, 2010

Setting a stringent national standard based on incomplete evidence is a dangerous precedent that will negatively impact the rural businesses upon which our state's economy depends. It is clear, scientific evidence does not support the more stringent NAAQS, and I encourage you to leave the PM₁₀ at its current level. Thank you for your consideration.

Sincerely,



M. Michael Rounds

MMR:ls



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 30 2010

THE ADMINISTRATOR

The Honorable M. Michael Rounds
Governor of South Dakota
State Capitol
500 East Capitol
Pierre, South Dakota 57501

Dear Governor Rounds:

Thank you for your letter of August 3, 2010, expressing concern over the U.S. Environmental Protection Agency's (EPA) ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). I appreciate the importance of NAAQS decisions to agricultural communities and I respect your perspectives and opinions.

As you know, NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or any particular activity (including activities related to agriculture). The NAAQS are based on consideration of the scientific evidence and technical information regarding health and welfare effects of the pollutants for which they are set.

We are early in the process of reviewing the PM NAAQS and are far from making any decisions on whether the PM standards should be changed. The next step is consideration of public comments and advice from the Clean Air Scientific Advisory Committee on a draft Policy Assessment (PA) prepared by EPA staff. The PA is not a decision document. Rather, it will inform my decision on whether, and if so how, to propose a revision of the NAAQS. There remains a significant amount of work to be done and a formal proposal and call for public review and comments would not be issued until early 2011. Following consideration of public comments on a proposal, the Agency would issue a notice of final rulemaking later in 2011.

We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities. We will continue discussing these options with the Agency's science advisors and the public. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments and those of your colleagues will be fully considered as we proceed with our deliberations.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Jackson', with a large loop at the beginning and a horizontal line at the end.

Lisa P. Jackson